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III. Remarks

Claims 1-6, 8-30 and 92-126 are pending in the present application.

A. Summary of Amendments

Claims 26, 117 and 126 have been amended as described in more detail below to recite that the track board displays information together in a single graphical interface and to clarify that certain events occur "when" rather than upon "if" a corresponding selection is made by the user.

Claims 27, 30 and 121 have been amended consistent with these amendments.

B. Rejection under 35 U.S.C. § 103

1. Marshall and Thomas

The Action rejects Claims 26-27, 29-30, 117-118, 120-121 and 124-125 as being obvious from Marshall et al. (US 2005/0208995) in view of Thomas et al. (US 2001/0034268). Reconsideration of this rejection is requested in view of the following arguments and the foregoing amendments.

Claim 26 is directed to a method of providing wagering data for a race contest to a user through a computer network. The user is prompted to select a date in response to which a "track board" for that date is transmitted and displayed to the user. Claim 26 has been amended to recite that the track board provided to the user terminal displays together a listing of a plurality of tracks along with a listing of a plurality of races at each of the displayed tracks. Claim 26 has also been amended to clarify that the races are distinguished from each other to the user in the single graphical interface of the track board by the recited statuses, i.e., completed, open for wagering, and not yet open for wagering.

Claim 26 has also been amended to recite that the user is prompted in the single graphical interface to select a race from a track in said listing from said track board.

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So, Claim 26 requires the following to be displayed together in the same, single graphical interface: (i) a listing of a plurality of tracks along with the plurality of races at each of the tracks, where these races are distinguished to the user based on the recited statuses, and (ii) the recited prompt.

An example of a track board is shown in FIG. 7, which lists thirteen tracks and several races for each track.

As explained in the application (e.g., pages 12-14), because the track board is preferably used as an aid to a wagerer and because the track board lists together multiple tracks along with multiple races at each track in the same graphical interface, the races are distinguishes from each other in the interface based on their respective status. This feature allows the user, who is presented with a lot of information in a single graphical interface (i.e., a plurality of tracks with a plurality of races at each track), to quickly and easily distinguish the races from one another and to identify races of interest, e.g., those that are "open for wagering", etc.

Still further, as a further aid to the wagerer, the user of the track board is prompted to select one of the races from a track in the track board. Based on the selection, three distinct categories of data can be provided. When the status of the race is "completed," results data are displayed for the selected race. When the status of the selected race is "open for wagering," race program data for the race are displayed. Finally, when the status of the selected race is "not yet open for wagering," race entry data are displayed to the user.

As discussed below, the combination of Marshall and Thomas does not teach this claimed method of providing wagering data.

In rejecting Claim 26, the Examiner first relies on the description of Marshall, specifically FIGS. 93-99. These figures are described in Marshall from Paragraphs 127-131. FIG. 91 shows a flow chart for the options presented to the user in the selection screen of FIG. 92, namely "schedule," "results," "news" and "weather." For purposes of discussing Claim 26,

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the "news" and "weather" options are of no interest. If the "schedule" option is selected from the selection screen of FIG. 92, the schedule screen of FIG. 93 is displayed. As described in Paragraph 127, the user selects a day for which racing schedule information is desired. Once a day is selected, "window 9206 displays the racing schedule information for the selected day." More specifically though, window 9206 only displays the first race time for each available track. (See. FIG. 93). Therefore, the graphical interface of FIG. 93 is not a track board "displaying together in a single interface a listing of a plurality of tracks along with a listing of a plurality of races at each of said displayed tracks for a date selected by said user."

If the user selects the "results" option from FIG. 92, the user proceeds through FIG. 94 (to select a track), FIG. 95 (to select a race at the selected track) and FIG. 96 (to display the results of the selected race from the selected track). None of these interfaces, or the interfaces of FIG. 97 or 99, displays a track board "displaying together in a single interface a listing of a plurality of tracks along with a listing of a plurality of races at each of said displayed tracks for a date selected by said user."

As described above, he "schedule" and "results" options of Marshall are part of different process flows (See FIG. 91). The only information that is displayed or changed after a user selects a date is in window 9206 of the screen of FIG. 93. Window 9206, however, is not a track board as claimed. The purpose of window 9206 is to show the start times of only the first races of each track. It does not display a plurality of races for each track (as there can only be one first race for each track). Further, it follows that because window 9206 only shows the start time of the first race per track, there is no need to distinguish races as (i) completed, (ii) open for wagering and (iii) not yet open for wagering as claimed in Claim 26. Further, user's cannot select individual races from the screen of FIG. 93 (which displays window 9206) in order to display (i) results data, (ii) race entry data and (iii) program data, as appropriate. For example, results are obtained from a separate process flow including FIGS. 94-96 as described below.

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Turning to the "results" process flow of Marshall, screen 9400 of FIG. 94 displays race tracks, but only the post time for the first race at each track. Again, there is no need to distinguish races from each other in such an interface and the user cannot select a race to obtain information directly from this interface 9400. The results display interface of FIG. 95 displays a plurality of races but only one track. Further, paragraph 128 makes clear that "[b]ecause the user is seeking to display results, preferably only races that have been completed may be selected."

From the foregoing, Marshall does not teach or suggest the claimed track board transmitting step as claimed in Claim 26 for display to the user in response to a selection of a date by the user. It follows that Marshall does not teach the step of prompting the user in the single graphical interface (i.e., the interface that lists the plurality of tracks along with a plurality of races at each track distinguished by their status) to select a race from a track in the listing, nor the display of the following information upon receipt of a selection of a track in response to the prompt: (a) results data for a race selected by said user to said user with said user terminal when the status of said selected race is completed; (b) race program data for a race selected by said user to said user with said user terminal when the status of said selected race is open for wagering; and (c) race entry data for a race selected by said user to said user with said user terminal when the status of said selected race is not yet open for wagering.

As discussed below, Thomas does not cure the deficiencies of Marshall.

In the Action, the Examiner states that Marshall does not teach "[d]istinguishing the races from each other to the user by status as completed, open for wagering, and displaying race program data for a race selected by the user to the user with the user terminal if the status of the selected race is open for wagering."

Turning to Thomas, the disclosure of Thomas is primarily directed to interfaces for placing a wager on a racing event. The Examiner relies on FIGS. 4A and 4B for teaching distinguishing "the races from each other to the user by status as completed and open for

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wagering" and "displaying race program data for a race selected by the user to the user with the user terminal if the status of the selected race is open for wagering."

Applicants would like to again point out that Claim 26 requires that the races displayed in the track board be distinguished based on **three different statuses**: (i) completed, (ii) open for wagering and (iii) not yet open for wagering. Though Applicants dispute that Thomas teaches what the Examiner alleges, as discussed below, the Examiner has failed to allege or show that Thomas or the combination of Thomas and Marshall distinguish races based on these three statuses, i.e., the Examiner has only alleged distinction based on "completed" and "open for wagering."

Turning more specifically to the disclosure of Thomas, the EasyBet screen 100 of FIG. 4A is used by novice betters to place a wager. The interface screen 100 lists the "current race" at each track along with its post time and the "track status." Simply, it is submitted that "track" status is not "race status." The "track status" column is referenced in Paragraph 85 of Thomas but its meaning is not explained in Thomas or in the provisional application from which Thomas claims priority. It is submitted that "track status" merely shows **whether the <u>track</u> is open**, otherwise it would be redundant to "current race" information. The "current race" column shows only one race for each track, i.e., the next scheduled race and its post time. The display does not show multiple races from each track, with distinguishing statuses between these races, nor does the display distinguish these "current races" from each other by status in any way, likely because each race would surely share the same status.

From FIG. 4A, the user selects a single track and the display of FIG. 4B is displayed. (Par. 87). The screen 160 of FIG. 4B displays multiple races for only a single track and their post times. Again, the status of the "track" is shown, **but no distinctions are made between the <u>races</u>** based on status. Individual races can be selected to place a wager (FIG. 4C).

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From the foregoing, it is submitted that Thomas does not teach or suggest distinguishing races from each other based on the status of (i) completed, (ii) open for wagering and (iii) not yet open for wagering. Further, Thomas does not teach or suggest distinguishing races from both the same track and different tracks that are displayed together in a single graphical interface.

The Examiner also states that "Applicant has not disclosed that the particular status conditions provides an advantage or solves a stated problem." Applicants respectfully disagree. As explained in the application, pages 12-14, the status indicators are used to allow the user to quickly and easily distinguish races from each other displayed together in a single graphical interface without having to actually select an individual race for which to retrieve information. It must be remembered that the track board lists not only a plurality of races, but a plurality of races at different tracks. Therefore, the status indicators can be a means by which the user identifies both tracks and races of interest.

It is also submitted that even were Thomas to somehow fill the deficiencies identified by the Examiner in the disclosure of Marshall (which Applicants traverse as set forth above), one of ordinary skill would not be motivated to so modify Marshall. Marshall teaches a methodology where results and schedule information are obtained separately from different interfaces. (See FIGS. 91 and 92). Further, the schedule information (window 9206) of Marshall is limited to only the first race at each track, meaning there is no need whatsoever to distinguish the races from each other by status. Further, individual races cannot be selected directly from the displayed schedule of Marshall for any purpose.

From the foregoing, it is submitted that the combination of Thomas and Marshall does not provide a method where a track board is displayed in response to a selection of a date by a user and where the track board displays together in a single graphical interface a listing of a plurality of tracks along with a listing of races at each of the displayed tracks for a date selected by said user where the races are distinguished from each other based on their respective status as being (i) completed, (ii) open for wagering and (iii) not yet open for wagering. Further, the

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combination of references does not teach a method where the single graphical interface that displays the statuses of the various races prompts the user to select one of the races, which triggers the display of racing data corresponding to the displayed status of the selected race, i.e., results data when the status of the race is completed, race entry data when the status of the race is not yet open for wagering and race program data when the status of the race is open for wagering.

For at least these reasons it is submitted that Claim 26 is not obvious from the cited references and is allowable thereover, along with the claims that depend therefrom.

Independent Claim 117 is directed to a system for providing wagering data with features that parallel those of Claim 26. For at least the reasons set forth above, it is submitted that Claim 117 is allowable over the art of record, along with the claims that depend therefrom.

Claims 27 and 118 recite that the statuses are updated on the track board. The Examiner equates a user who surfs menus in Marshall to "updating the track board at predetermined intervals." First, as discussed above, the combination of references does not teach or suggest distinguishing races by status as claimed or the claimed track board graphical interface. Second, a user surfing different menus would do so in a random fashion and thus not "at predetermined intervals." Third, surfing causes display of *different* interface screens, not the update of the single graphical interface of the claimed track board. Nonetheless, Claims 27 and 118 have been amended to clarify that the updates are automatically accomplished. For at least these reasons, it is submitted that Claims 27 and 118 are independently allowable over the art of record.

Further, The Examiner alleges in connection with the rejection of Claim 29 and 120 that Marshall distinguishes races form each other to the user by status as "closed for wagering with no results available," "open for wagering with live odds available" and "open for wagering with no live odds available." (Action, Page 3, second full paragraph) Clearly, the combination of references does not distinguish races in this manner, being that the cited combination, as

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discussed above in connection with Claim 26, does not distinguish races in the first instance from each other as "completed" and "open for wagering." For at least these reasons, it is submitted that Claims 29 and 120 are independently allowable over the art of record.

Reconsideration and withdrawal of the rejection of these claims are respectively requested.

2.   Marshall/Thomas/Brenner/Boylan, III

The Action also rejects Claims 1-6, 9-25, 28, 92-117 and 122-123 as being unpatentable over Marshall in view of Thomas as applied to Claims 26 and 117 in further view of Brenner et al. (6,089,981) and Boylan, III et al. (6,712,701).

These claims depend from independent Claims 26 and 117 and are, therefore, allowable for at least the reasons set forth above in connection therewith.

3.   Marshall/Thomas/Miyamoto/Mindes

The Action rejects Claims 8, 98-99 and 126 as being obvious from the combination of Marshall and Thomas in further view of U.S. Patent No. 6,325,721 to Miyamoto et al. in further view of U.S. Patent No. 5,842,921 to Mindes et al.

Claims 8 and 98-99 depend from independent Claims 26 and 117 and are, therefore, allowable for at least the reasons set forth above.

Independent Claim 126 recites features discussed above in connection with Claim 26. For at least the reasons discussed above, it is submitted that Claim 126 is also allowable over the art of record.

Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

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C.   New Claims

New Claims 127 and 128 have been added. These claims depend from Claims 26 and 117, respectively, and recite that the single graphical interface is a single web page. Examination and allowance of these claims are respectfully requested.

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IV.   Conclusion

In view of the foregoing remarks and amendments, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

Dated: 10/18/06

Joseph A. Powers, Reg. No.: 47,006
Attorney For Applicants

DUANE MORRIS LLP
30 South 17th Street
Philadelphia, Pennsylvania 19103-4196
(215) 979-1842 (Telephone)
(215) 979-1020 (Fax)

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